

1900-064 Chancery Causes: Pennington Gap Improvement Co.] vs. A. B. Kesterson
Lee Co.

Joslyn

CA-Debt
T-Property

To the Hon. W. T. Miller, Judge of the Circuit Court for Lee County:-

Humbly complaining, your orator, the Pennington's Gap Improvement Company, an incorporation, organized and doing business by virtue of the laws of the State of Virginia, would respectfully represent, charge and show unto your honor: that in its organization, and making up its capital stock, one A. E. Kesterson, then and now a citizen of Tennessee subscribed to the capital stock of your plaintiff the sum of \$5400.00, and paid heretofore on his subscription, the sum of \$2700.00, or fifty per cent of the same; that all other gentlemen subscribing to the capital stock of your complainant did the same, - that is, paid one-half, or fifty per cent of their subscription; that at first, it was thought fifty per cent paid in of all subscriptions, would meet all the demands of and answer all the purposes of your complainant. But to the sorrow ^{of} all people and your complainant, the hard times came, business become stagnant, and the sale of your complainant's property ceased, at a time when it was considerably indebted. So it decided to make a call of ten per cent more on its subscribers to its stock, and thereupon did make the call on the day of 1893, and like a little band of Spartans, all of its subscribers except the said A. E. Kesterson, and one or two others responded by paying the same

Your complainant will further show and charge that on the day of 1894, an order was made with reference to said ten per cent call, giving all defaulting subscribers a day within which to pay the same, and if not paid by that day, all delinquents should be charged with interest on such ten per cent call from the 1st day of *July* 1894, till paid: that since said order was made several subscribers did come in and pay, together with interest from said day to time of payment; and that if the said Kesterson would pay his ten per cent on said \$5400.00, and its accrued interest, your complainant could pay out of debt, for it now owes not exceeding \$300.00. Your complainant is informed and charges that the said A. E. Kesterson is a non-resident of this State; that he has real estate in this county and State, to-wit, a lot of land in the town of Pennington Gap, known in the plat and plan of said town as lot No. one in block No. 20, and personal property, to-wit the \$2700.00 paid in on his subscription to said capital

stock, enough of which, your orator is advised, it is entitled to have attached and sold to pay said \$540.00 with its interest as aforesaid, it having procured the necessary affidavit, which is here filed, marked "A".

Now the premises considered, your orator is advised, that it is entitled to collect from the said A.E. Kesterson said sum of \$540.00 with legal interest thereon from the *1st* day of *July* 1894, till paid, that it is entitled to have sufficient of said Kesterson's property attached, and unless said sum of money and its interest be paid, enough of the same sold to pay the same; and with that end in view, it prays that the said A.E. Kesterson be made a party defendant to this bill of complaint: that he be required to answer the same, but he ~~need~~ not do so oath, as that is waived: that on a hearing of this cause, your complainant be given a judgement against said Kesterson for ^{*said*} sum of money *with interest as aforesaid* and the costs of this suit: that enough of said property be attached to satisfy the payment of the same: that an order of publication be made against the said A.E. Kesterson as the law requires in the case of a non-resident defendant. And that all other, further and general relief be granted your complainant, that the nature of its cause may require to comport with good conscience. And it will ever pray etc. May Sub. issue etc..

.....*Dunnington Bros. P. G.*

Virginia,

Lee County, to-wit:-

This day, H.C. Joslyn president of, and agent for the Pennington's Gap Improvement company, an incorporation organized and doing business under the laws of the state of Virginia, plaintiff in a certain suit in equity instituted against A.B. Kesterson in the Circuit court for Lee County, to recover from the said A.B. Kesterson a debt, personally appeared before me a clerk of the Circuit court for Lee County, and made oath:

- (1) That he verily believes the said plaintiff's claim is just and unpaid;
- (2) That he believes the said plaintiff is entitled to recover, or ought to recover at the least in said suit, a debt for the sum of of Five hundred and forty dollars, with interest thereon from the 1st day of July 1894 till paid; and,
- (3) That to the best of said affiant's belief, the said A.B. Kesterson is a non resident of this State, and has estate, or debts due him in within the said county of Lee in which said suit is brought.

Given under my hand, this the 18th day of May, 1897.

..... J.B. Munsey Circuit Clerk

1877 006 27
1878 May 11

100.00
200.00

Plffs Costs

Clerk 6.82
Tax 1.50
Shff .50
attly 15.00
Estimated 5.00
\$28.82

Pensington Gap
Improvements
vs. } Binda Chan.

A. B. Kesterson

1897, 1st October rules Spa
not executed T. O. P

" 2nd Oct rules O P Compt
+ Cause set for hearing

1897 Nov Term Contd

1898 June Term Decree + Contd

Purvington Gap Surfs. Co.

vs

A. B. Kester & Co., Deft

} In Cham.

On motion of the Complt.
this cause is struck from the
docket, the Complt. paying
all costs

Pennington Gap Imp. Les.

vol. } Decree final

A. B. Kesterson

Ent. on Chy. O.B.
No. 6 p. 389.

Enter this
June 7th 1900.

H. C. W. Shaw

Pennington Gap Improvement Co. - Pl.

v.s.

In Chancery

A. B. Kesterson

Defendant.

The Defendant who is a non-resident of this State, and against whom the complainant appears to have proceeded in the manner prescribed by law against non-resident-defendants, still failing to appear and answer, an motion of the complainant, by counsel; the court doth take its bill for costs. And the cause coming on this day to be heard upon the bill of the complainant and affidavits filed therewith and the return of the Sheriff showing that he had attached upon Lot No. 1, Block No 20 situated in the town of Pennington Gap. Va., and was argued by counsel, On consideration of all which and for reasons appearing to the court, the court doth adjudge, order and decree that the Complainant recover of the Defendant the sum of Five Hundred & Forty Dollars; with interest thereon from the 1st day of July, 1894 till paid, subject to a credit of \$100⁰⁰ paid Oct 27. 1897

and \$200⁰⁰ paid May 11, 1848, and the
costs of the said complaint in
this suit repaid, and if said sum
of money be not paid within 30 days
from the date of this decree then,

E. H. Punnett who is hereby appointed
a special commissioner for the purpose,
will after having executed bonds
before the clerk of this court in the
penal sum of ~~1000~~⁶⁰⁰⁰⁰ conditioned as
the law requires, and after having
advertised the time terms & place of sale
for 30 days by written or printed notices
posted at the Court House front door & in the vicinity of said lot of land
thereof, make sale of said lot of land
at the front door of the Court House on some Court day
so attached, upon a credit of 6 and
12 mos time, *at public auction to the highest bidder
sufficient to pay the cost of this suit
and the commissions of sale, which
sum will be required to be paid
in hand, and for the residue said
commr. will take bonds payable
to himself with good personal se-
curity, and he will report his action
to the next term of this court ~~and this~~
~~action is continued~~. But before
said Commissioner E. H. Punnett
proceeds to execute the terms
of ~~said~~ this decree, the said
complainant or some one for it

shall execute a bond in a
penalty of ~~\$1000~~ \$700⁰⁰ with
good security, conditioned as
the law requires in such
cases; and this cause is con-
tinued.

*
*

Drumpton Corp. Sup. Sec
vs. ⁴/₃ Deane

A. B. Kesterman.

Eu. C. O. B. 6 p. 112.

Enter this June
10th 1898. W. L. M.

VIRGINIA:--In the Clerk's Office of the Circuit Court of the County of Lee
on the 6th day of September 1897.

Pennington Gap Improvement Company Plaintiff
Against

A. B. Kesterson Defendant } In Chancery

The object of this suit is to recover of A. B. Kesterson the sum of
\$540.00, with interest from July 1st 1897, and sell
a lot of land known as Lot No 1 in Block 20 in
the town of Pennington Gap Va
And an affidavit having been made and filed that the defendant A. B. Kesterson

is ^a not resident of the State of Virginia, it is ordered that he do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further
ordered that a copy hereof be published once a week for four weeks in the South West Virginian
and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the
county court.

A copy—Teste:

Pennington Bros P. O.

A. B. Munsey Clerk.

Pennington & Smith & Co
ORDER
AGAINST } OF
PUBLICATION.

A. B. Westerson
P. Broo

P. Q.

I *A. B. Munsey* Clerk of
the Circuit Court of Lee
County Va. do hereby
Certify that I posted a
copy of the within
order of Publication
at the front door of the
Court house of Lee Co
Va. On the 1st day of the
September term of the County
Court of Lee Co Va.

Given under my hand
this the 20th day of Sept
1897. *A. B. Munsey* Clerk

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting.

We command you to summon A. B. Kesterson

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 31st Monday in October, 1897, to answer a bill in Chancery, exhibited against him in our court by

Pennington Gap Improvement Company

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 2nd day of

September, 1897, and in the 12^{2nd} year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk.

The officer executing this Spain Chy will
attach the real estate of the said A B Westerson
situated in Lee County Va: To wit a lot of land
known as Lot No 1 in Block 20 in the town
of Pennington Gap Va. This the 2nd day of Sept
1897
A B Munsey Clerk

SUBPENA

VS.

IN CHANCERY.

P. Q.

Rul s.

TO

CIRCUIT COURT

Southwest Virginian, {
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon A. B. Kesterson

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the
Rules to be holden for said court, on the 1st Monday in October 1897, to answer
a bill in Chancery, exhibited against him in our court by

Pennington Gap Improvement Company

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 2nd day of

September 1897, and in the 12th year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

Clerk.

Pennington Rep. Imp Co

SUBPCENA

vs.

IN CHANCERY.

A. B. Kesterson

P Bros

P. Q.

TO 1st Oct

Rul s.

CIRCUIT COURT

Executed by attaching
the lot of land described
and not executed as
to A. B. Kesterson
this the 16th day of
Sept 1897

N. S. Gunning Dd
for W. P. Weston Dd

for W. P. Weston Dd

The officer executing this subpoena in Chancery with attached
the real estate of the said A. B. Kesterson situated in
Lee County Va to wit a lot of land known as lot
No 1 viz Block 22 in the town of Pennington Sta
Va. this the 2nd day of Sept 1897
A. B. Kesterson Clerk
Created by leaving in the above described lot of
land this the 16th day of September 1897 Dd

❁ CERTIFICATE OF ORDER OF PUBLICATION. ❁

WE, A. M. Goins and W. M. Davidson, editors of the SOUTHWEST VIRGINIAN, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the

9 day of Sept. 1897.

A. M. Goins
W. M. Davidson } EDITORS.

Fee \$5.00

VIRGINIA :—In the Clerk's office of the Circuit Court of the County of Lee on the 6th day of Sept. 1897. Pennington Gap Improvement Company, plaintiff. against A. B. Kesterson, defendant.

IN CHANCERY.

The object of this suit is to recover of A. B. Kesterson the sum of \$540 with interest from July 1st, 1897, and sell a lot of land known as Lot No. 1 in Block No. 2 in the town of Pennington Gap, Va. And an affidavit having been made and filed that the defendant, A. B. Kesterson, is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the SOUTHWEST VIRGINIAN and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court.

A copy—Teste:

A. B. MUNSEY, Clerk.
Pennington Bros. P. Q. 9—9—4t.

Pennington & Co. Sup. Co.

vs

Attest Kusterson,

Order of Pub.

Pro 7122 \$5.00